

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

BRENDAN J. JONES,

Plaintiff,

vs.

ANDREW M. SAUL, Commissioner  
of Social Security Administration,

Defendant.

CV 19-44-BLG-TJC

**ORDER**

Petitioner, Frederick J. Daley, Jr., counsel for Plaintiff Brendan J. Jones, has filed an Unopposed Petition for Attorney Fees Pursuant to 42 U.S.C. § 406(b)(1). (Doc. 24.) Mr. Daley requests attorney fees in the amount of \$16,388.50. The Commissioner has no objection to the Petition.

On October 6, 2020, the Court remanded this case to the Commissioner for further administrative proceedings. (Doc. 20.) Plaintiff subsequently prevailed on remand, and was awarded total past-due benefits in the amount of \$65,554.00. (Doc. 24 at ¶ 2.) The Social Security Administration withheld \$16,388.50, which represents 25% of the award, for the direct payment of attorney fees. (Doc. 24-1 at 3-5.)

The Social Security Contingent Fee Contract between Plaintiff and Mr. Daley, as well as the governing law, 42 U.S.C. § 406(b)(1)(A), limit the recovery of attorney

fees to no more than 25% of past-due benefits. The Court finds the \$16,388.50 award is within the 25% limit imposed under the fee agreement and §406(b)(1)(A). The Court further finds that the award is reasonable.

Accordingly, IT IS HEREBY ORDERED that the relief requested in the Petition is GRANTED. Pursuant to 42 U.S.C. § 406(b)(1)(A), the Court authorizes payment of attorney's fees in the amount of \$16,388.50 to Plaintiff's attorney, Frederick J. Daley, Jr.

DATED this 24th day of June, 2021.

  
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TIMOTHY J. CAVAN  
United States Magistrate Judge